

JAP:AL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M-10-1008

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UNITED STATES OF AMERICA

-against-

AFFIDAVIT IN SUPPORT
OF A SEARCH WARRANT

(T. 21 U.S.C. §§
841(a)(1) and 846)

ONE PACKAGE, AIRBILL NO. 0105014567,
MAILED BY ANA CLARIBEL IDROVO
MOGROVEJO, 10 DE AGOSTO Y 24 D MAYO,
AZOGUEZ, ECUADOR,
ADDRESSED TO JUAN DIEGO IDROVO
MOGROVEJO, 189 WYCOFF [SIC],
BROOKLYN, NY 11237.

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EASTERN DISTRICT OF NEW YORK, SS:

TODD ANDERSON, being duly sworn, deposes and says that
he is a Special Agent-with Immigration and Customs Enforcement
("ICE"), duly appointed according to law and acting as such.

Upon information and belief, there is probable cause to
believe that, presently concealed within ONE PACKAGE, AIRBILL NO.
0105014567, MAILED BY ANA CLARIBEL IDROVO MOGROVEJO, 10 DE AGOSTO
Y 24 D MAYO, AZOGUEZ, ECUADOR, ADDRESSED TO JUAN DIEGO IDROVO
MOGROVEJO, 189 WYCOFF [SIC], BROOKLYN, NY 11237 (the "SUBJECT
PARCEL") are controlled substances which constitute evidence of
violations of Title 21, United States Code, Sections 841(a)(1)
and 846.

The source of your affiant's information and the grounds for his belief are as follows:^{1/}

1. I have been a Special Agent with ICE for approximately three years, and am currently assigned to the Narcotics Division in New York. In that capacity, I have participated in numerous narcotics investigations, including the execution of search warrants and narcotics seizures. I am familiar with the facts and circumstances of this investigation from my personal participation in the investigation and from information obtained from other law enforcement agents.

2. On or about August 30, 2010, ICE agents received information from a confidential informant, who had previously provided reliable information, regarding a package sent from Ecuador to an address in Brooklyn, NY. Immediately after ICE agents received the information, ICE agents determined, through a Customs and Border Patrol electronic database, that the SUBJECT PARCEL was at Jimmy's Express, a small air courier company located at 52-11 Roosevelt Avenue in Queens, New York.

^{1/} Because the purpose of this Affidavit is to set forth only those facts necessary to establish probable cause to search, I have not set forth all of the facts and circumstances of which I am aware.

3. Agents asked Jimmy's Express to refrain from turning the SUBJECT PARCEL over to the intended recipient until agents could inspect the package. Jimmy's Express agreed.

4. On or about August 30, 2010, at approximately 4:00 p.m., ICE agents retrieved the SUBJECT PARCEL from Jimmy's Express. The SUBJECT PARCEL is a rectangular box wrapped in multicolored paper and translucent masking tape measuring approximately 11" x 5" x 5" and weighing approximately 1,221 grams. The sender for the package is listed as ANA CLARIBEL IDROVO MOGROVEJO, 10 DE AGOSTO Y 24 D MAYO, AZOGUEZ, ECUADOR. The recipient is listed as JUAN DIEGO IDROVO MOGROVEJO, 189 WYCOFF [SIC], BROOKLYN, NY 11237.

5. At approximately 5:00 p.m. on August 30, 2010, "Ranger," a trained narcotics canine from the NYPD, gave a positive alert to the SUBJECT PARCEL, indicating that the SUBJECT PARCEL contained a controlled substance or the residue of a controlled substance.²

² I am informed by "Ranger's" handler, an NYPD Officer, that in 2009 "Ranger" completed a basic course of instruction in controlled substances detection at the NYPD K-9 Training Academy. Since that time, "Ranger" has regularly served the NYPD as a K-9 Narcotics Detecting Dog. "Ranger" receives continuous training, and is used regularly for the purpose of detecting controlled substance odors. I am further informed that "Ranger" is routinely used to conduct searches of automobiles and packages. "Ranger" has made positive indications on narcotics in the field, including cocaine, cocaine base, marijuana and heroin. "Ranger" alerts after detecting the scent of controlled substances, and

6. Based on this positive alert, ICE agents seized the SUBJECT PARCEL. The SUBJECT PARCEL is in the possession of ICE agents in the Eastern District of New York.

7. Based on the facts recited above, there is probable cause to believe that the SUBJECT PARCEL contains controlled substances.^{3/}

Ranger's alert consists of sitting. Therefore, there is probable cause to believe that "Ranger" is reliable and that the SUBJECT PARCEL contains a controlled substance or its residue.

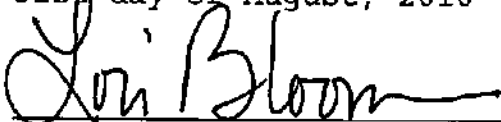
^{3/} A positive indication by a trained narcotics-detection canine to a parcel establishes probable cause to believe the parcel contains a controlled substance. See United States v. Glover, 957 F.2d 1004, 1013 (2d Cir. 1992) ("[O]nce the narcotics dog 'hit on' [the defendant's] bags, the police had probable cause to obtain a search warrant.").

WHEREFORE, your affiant respectfully requests that a warrant be issued authorizing ICE, with such other assistance as may be necessary, to open the SUBJECT PARCEL and to search for and seize controlled substances of any sort which constitute evidence of violations of Title 21, United States Code, Sections 841(a)(1) and 846.



Todd Anderson
Special Agent
Immigration and Customs Enforcement

Sworn to before me this
31st day of August, 2010



HONORABLE LOIS BLOOM
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK